

### **REMARKS/ARGUMENTS**

Claims 1, 2, 6, 8 and 9 are pending in the captioned application. Applicants have amended claims 1, 8 and 9 to place the claims in proper form for appeal. Entry of the amendments is respectfully requested.

The Examiner has rejected claims 1, 2, 6, 8 and 9 under 35 U.S.C. § 112, second paragraph, as “being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.”

Specifically, the Examiner states, “in step d of claim 1, it is unclear as to whether the array is still frozen after the freezing in step c. Additionally, if still frozen during drying, it is unclear how drying of the frozen pads can occur without using reduced pressure during drying.”

In response, Applicants have amended claim 1 to specifically state that the frozen array is what is dried in “step d.” Applicants respectfully assert that this claim clearly states that the frozen porous polymer gel pads are dried, and, it makes no mention of whether the drying is under reduced pressure. Accordingly, Applicants believe that claim 1 is in proper form.

The Examiner has rejected claim 2, stating it is “unclear by not having antecedent basis in claim 1 for a freeze-dried array produced by the method of claim 1 since claim 1 does not require freeze drying. Merely freezing in step c of claim 1 does not require freeze drying since the array in step d is not required to be frozen and drying under reduced pressure.”

In response, Applicants respectfully submit that the amendments to claim 1 to recite that the frozen array is dried and, while the Examiner would like to recite that drying is at reduced pressure, Applicants respectfully submit that such is included.

In view of the foregoing, Applicants respectfully submit claim 2 is in proper form and earnestly solicit its allowance.

The Examiner has rejected claims 8 and 9 as being unclear “by reciting ‘the array of claim 1’ since claim 1 is drawn to a method and not an array.”

In response, Applicants have amended claims 8 and 9 to state that the claims are directed to an array produced by the method of claim 1.

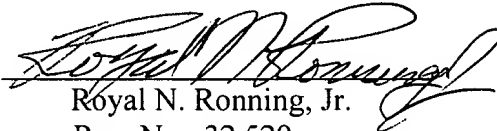
Applicants respectfully assert that the claims are in proper form and earnestly solicit their allowance.

Appl. No. 09/439,889  
Amendment dated January 5, 2004  
Reply to Office action of October 6, 2003

Regarding the art rejections under 35 U.S.C. § 103, Applicants have filed concurrently herewith a Notice of Appeal and will file an Appeal Brief in due course. Entry of the amendments to place the claims in proper form for appeal is respectfully requested.

Respectfully submitted,


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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on January 5, 2004.

Signature:   
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